P. 7. 16-98

G. R. S. IX-5]

Previous references. 1897-98

191 .

(L. R.)

Later references.

File No. 100-97

Serial Nos. 1-

GENERAL AND REVENUE SECRETARIAT,

Serial Nos. 1-8

In ~~Part~~ B for October 1900.

SUBJECT.

Appeal of Gaji Kariyappa of Kittur village, Haribar Sub-taluk regarding the transfer of Patta in his name

Cld

Indexed

W D 1250—GPB—30,000 28-1-19

Subd

2 Rupees stamp affixed - stamp sufft.

The order forming the complaint is not dated but the copy of it is said to have reached petr on 5.6.98.

Presumed to be in time but the D. Commr's attention will be drawn to this irregularity.

The D. Commr's refusal to transfer the patta in accordance with the civil court sale certificate is prima facie illegal & opposed to Sec 67 of the L R Code. The D. Commr practically sits in judgment over the civil court. The sale-certificate produced shows the petr to be the purchaser.

Submit to Rev C. & Sy

10/8/98

Sub to 1st C

2/9/98

10.8.98

217

9658

LR 100-97

1898

247

Name of Petitioner: [illegible]

Village: Ditter

Taluk: Hiriyur

District: Chitaldroog

Date of Arzi:

Date of Receipt: 27-7-98

Date of Disposal:

No. of Enclosure: 2

ABSTRACT

Appeals against the order of the Dy. Commr. Chitaldroog District, bearing no date, declining to transfer the patta of certain land in the holding of Ragamma widow of [illegible] to him.

Petitioner urges:-

He bought Survey No. 58 of Ditter on 17-12-84 in the sale held by the civil court in satisfaction of a decree. The sale was duly confirmed vide sale certificate of 2-7-85 enclosed herein. The Dy. Commr. has not taken this fact into consideration.

The Dy. Commr. has not also taken into consideration the fact that he has been in possession and enjoyment of the land under dispute for upwards of 12 years.

Rapport till Byggnadsstyrelsen, Byggnadsavdelningen
Ledsagebrev angående Tunnelgatans skolfastighet
Stockholms stadsfastighetskontor

BK

31/38.

Enclosure

1. Byggn. Comm. skola

2. Tillägg till fastighetsförslag 7-8 st.

Fastighetschef
Borgin

(1)

Two Rupees Stamp affixed.

MYSORE DEWAN'S OFFICE.
PETITION DEPARTMENT.
REGD. No. 2495
27-7-98

By hand negotiation
27.7.98

ಕೆಳಗಿನಿಯ ಅಂಶಗಳನ್ನು ಕುರಿತು ಕಿರು ಟಿಪ್ಪಣಿಗಳನ್ನು ಬರೆಯಿರಿ

III ಅವಿಚಲಾಂಶ - ಸಂಚಲನಾಂತರ ಕಾರಣಾದಶಗಳಲ್ಲಿ ಶಕ್ತಿ

ಪ್ರಮಾಣ - ಸ್ಥಿತಿಸ್ಥಾಪಕ ಸ್ಥಿತಿ - ಸ್ಥಿತಿಸ್ಥಾಪಕ ಮಿತಿ

ಸಂಖ್ಯೆಗಳ ಪ್ರಮಾಣ ಮತ್ತು ಸಂಖ್ಯೆಗಳ ಸಂಖ್ಯೆ

ಅಂಕಿಅಂಶಗಳ ಅಧ್ಯಯನದ ಉದ್ದೇಶಗಳು -

ಸಮಸ್ಯೆಗಳ ಸಂಖ್ಯೆ - ಸಮಸ್ಯೆಗಳ ಸಂಖ್ಯೆ

ಸಂಖ್ಯೆಗಳ ಪ್ರಮಾಣ ಮತ್ತು ಸಂಖ್ಯೆಗಳ ಸಂಖ್ಯೆ

ಪ್ರಮಾಣ - ಸ್ಥಿತಿಸ್ಥಾಪಕ ಸ್ಥಿತಿ - ಸ್ಥಿತಿಸ್ಥಾಪಕ ಮಿತಿ

ಅವಿಚಲಾಂಶ - ಸಂಚಲನಾಂತರ ಕಾರಣಾದಶಗಳಲ್ಲಿ ಶಕ್ತಿ

III

ಕೆಳಗಿನಿಯ ಅಂಶಗಳನ್ನು ಕುರಿತು ಕಿರು ಟಿಪ್ಪಣಿಗಳನ್ನು ಬರೆಯಿರಿ

Pet 187 P2

8-9-95

MYSORE DEWAN'S OFFICE.

PETITION DEPARTMENT.

OFFICIAL MEMORANDUM.

The accompanying ~~Appeal~~ Petition

registered No. 249 ~~dated~~

received at the Dewan's Office from

is forwarded, together with its

enclosures, to the Deputy Commissioner

of the Chitaldrug District

for submission of the entire proceedings

connected with the case.

2. The petition with its enclosures

should be returned.

3. The D.C.'s attention is drawn to the fact that the copy of his order is undated

By order,

Chief Secretary

BANGALORE,

189

M.G.C.P.B.—25-4-95—1,000

Sn 62
Blue

L&M-93-3

[Gen. Serial No. 30.]

REVENUE DEPARTMENT
Gl. No. 2972
NOV - 7 1898
Pl. No. 12a
DEWAN'S OFFICE

189 8

1) CC
2) Putting
by 12/11/98

From

The Deputy Commissioner
Chitradurga District.

To

The Chief Secretary to the
Government Dewan of Mysore.
General and Revenue Depts.

3

Dated 31st October 1898

Despatched

Received

Enclosures No. 3 with a file of Vernacular Papers.

General No. 373-
No. 355.

In reply to

SUBJECT.

Submitting a report on the alleged desecration, by one Kariyappa, shepherd, of a shed for the Deputy Commissioner's use, regarding the burial of the remains of Pattan village in the Hariharpur Taluk.

Peter
4.11.98

References (to be entered only in the Dewan's Office.)

Rud 8/11. Records are not checked.
Checking clerks. Messrs Venkatachar & Krishnaswamy are on leave. Reps put up.
MR 12/11/98

1898-99

Defy Commissioner's Office
Chitaldrug Dist.

No 373-
356.
Dated 3rd October 1898
Encl: 3 letters & file of M. Papers

From

The Deputy Commissioner
Chitaldrug Dist.

To

The Secretary to the
Government of Mysore,
General and Revenue Department

Sir,

With reference to your official Memorandum No Rev 187 dated 8th September 1898 forwarding for report a petition from Gaji Kasimsaba of Kasaba requesting permission to open a Mosque in the Kasaba and praying for grant of Inam lands in the village for the maintenance of the Mosque &c.

2. One Pathan Gaji Kasimsaba by name has been carrying on the business of a Fakir in the Kasaba for the past 20 or 25 years and has built a small Mosque in the Kasaba and has been performing the Pooja &c. in the Mosque.

3. The Revenue Officer of Kasaba

by mine, Ejaculated a divided breathe Sunnicker. She knew claims the parts right and the Court, Is finished her claim Christ that and Kerrigher (the appeal petitioner) had returned the land in Court rate.

4.- It was decided during the appeal petitioner that the two brothers were divided from one another, a respondent directed that the Court in proceeding be made in the name of the widow, the heirs, executrix of Linda Lee, next kin to the said Ejaculatrix.

5.- On the 8th January 1913 the appellant petitioner, Ejaculatrix presented a petition in the Court and the hearing then in Kerrigher, Ejaculatrix, the widow, the heirs, executrix of Linda Lee, next kin to the said Ejaculatrix.

6.- The respondents record contracted with the case is herewith submitted together with the

Appeal

official petition received with the
Memorandum enclosed.

I have the honor to be
Sir,
Your Most Obedient Servant
[illegible]
Deputy Commissioner.

To council dft
22.3.99

(53) 1899

No. 15-76 (Gajikariappal)

Name of Petitioner Gajikariappa

Village Dittur

S. Taluk Harihar

District Chitaldrug.

Date of Arzi 24-3-99.

Date of Receipt 28-3-99.

Date of Disposal

No. of Enclosure 1. Patta book

L2 170-99-4

ABSTRACT

Appeal No 5 of 1898-99.

Appellant. Gajikariappa

Respondent. Rajamma wife of Gopala Char

States that as he cannot come to Bangalore and be present on the date of hearing of his case, on account of Plague restrictions in Bangalore, he prays that his case may be disposed of after perusing the records & on considering the following grounds in addition to those mentioned

in his appeal petition.

1). That he bought the land
L.A. No 5-3 of Pattu in the auction
sale, made by the Hanuai
Munsiffs' court on 17-12-1884
& also is in possession of the
sale certificate.

2). That since then the land
is in his enjoyment & that
he has been paying the
Kandayam on it even
for the current year.

(3) That the land is in his
possession for more than
12 years and so he is en-
-titled to have the patta
in his name according to
24 section of Land Revenue
Rules.

SM.
29/3/94

Eighteen stamps affixed here

Encl: as stated

Yours faithfully,

(ख)

4 [illegible]

5 [illegible]

LR 15th – 97 – 5th

945

Proceedings of the Court of Enquiry (8)

Appt: Ezji Kariappa

Respt: Rajamma

Read

1. Petition of appeal No. 5 of 1898-99 presented by Ezji Kariappa of Ditter Village, Hariharpur Subtaluk against the order of the Dy Comr, Chitaldrug Dist declining to transfer the registry of S. no. 53 in the said Village from the name of the Respt to that of the Appellant.

(2) Letter No. 373/355 dt 31.10 from the Dy Comr, Chitaldrug Dist reporting on the above. (In Kannada)

(3) Record of this case

(4) Record in O. S

Sen: Ramachandra Rao Comptr

Enclosure Kannada

Translated by P.L.A. 14/11/99

X Kannada Translator 15/11/99

№ 38 of 1884 & Suit № 53
of 1884 on the file of the Munsiff
of Honnali.

Order therein, dt. 7-5-87-94 / 6-6-98 & 22.4.99.
24

Gopalachar, the registered
occupant of S. No. 53 in
question, died about the
year 1884 and, on 12.1.98,
the Dy. Court passed an order
recognising the respt., who
is the widow of Gopalachar,
as the registered occupant
in succession.

On 13.1.98 the appellant
applied for transfer of
registry in his name on
the grounds that the land
had been sold to him in
Civil Court sale in
execution of the decree
passed in Civil Suit
№ 38 of 1884 for a debt
alleged to be due by respt's
deceased

† Should be "divided" (Vide para 3 of Govt. Counsel's letter No 373/355 of 31.10.62 reporting the Case)

deed deceased husband.

But as the †divided brother and not the widow of the deceased Gopalachari was a party to the civil proceedings, and the Respt had apparently no notice of the suit or of the Court sale, the Govt declined to transfer the registry in Appts' name.

2. The Govt observe that the Appellant's application for amendment of registry cannot be viewed as made under Sec 67 of the L. R. Code as the registered occupant whose right, title and interest were put up to auction and

and bought by the appellant, was dead long prior to the date of sale. Viewing the application however as one made under Sec^{n} 69 of the Code, it was incumbent on the appellant to "satisfy the Dy Com^{r} that he is entitled to be the registered occupant in preference to the person whose name the Dy. Com^{r} has ordered to be registered under Sec^{n} 68" The Dy. Com^{r} was apparently not so satisfied after a perusal of the Civil Court records, and, in the circumstances of the case, Govt are disposed to agree with him.

The appeal is therefore dismissed.

(3) The

(3) The Dy. Comr ought to have referred in his order to the provision of Law under which he passed it. His attention will be drawn to para 3 of G.O. No

551-8
Pet. F 6-98 dt 20/7/98.

Redraft
C, Rz

Secretary

Bkm

To The Dy Comr, Chittagong Hill Tracts
with records

The Dy Comr of Rangamati (?)

+ 24-5-98 ৪ টা
24-4-99 ৪/৪/৯৯

Pers copy
sent up
24/4

Sent 27/4/99

SR 100-97-6

1898-99

GOVERNMENT OF MYSORE

PETITION

PROCEEDINGS

Dated 24th April 1899

No. 7587-94
Pet. F. 66-98

Confirming the order of the Deputy Commissioner, Chitaldrug district, declining to transfer the registry of S. No. 53 of Dittur village, Harihar sub-taluk, from the name of the respondent to that of the appellant.

SBP—5-5-99—200

Appellant.		Respondent.
Gaji Kariyappa.	*versus.*	Rajamma.

READ —

(1) Petition of Appeal No. 5 of 1898-99, presented by Gaji Kariyappa of Dittur village, Harihar sub-taluk, against the order of the Deputy Commissioner, Chitaldrug district, declining to transfer the registry of S. No. 53 in the said village from the name of the respondent to that of the appellant.

(2) *Letter No. 373—355, dated 31st October 1898, from the Deputy Commissioner, Chitaldrug district, reporting on the above.*

With reference to your official memorandum No. Pet. 187, dated 3th September 1898, forwarding for report a petition of Gaji Kariyappa appealing against my order regarding the transfer of patta of S. No. 53 of Dittur village in the Harihar sub-taluk, I have the honor to state as follows:—

2. One Gopalachar, son of Narasimhachar had been enjoying the land in question until his death which took place about 10 or 11 years ago, but the patta continued in his name until the last year's jamabandi when the patta transfer list was submitted to me for orders.

3. The deceased has left a widow by name Rajavva and a divided brother Annaiyachar. The former claimed the patta right and the latter repudiated her claim stating that one Kariyappa (the appeal petitioner) had obtained the land in court sale.

4. It was elicited during the enquiry I held that the two brothers were divided from one another. I therefore directed that the patta in question be made in the name of the widow, she being, according to Hindu law, next heir to the said Gopalachar.

5. On the 13th January 1898, the appeal petitioner presented a petition to me on the subject and after hearing him in person, I passed an order declining to grant his request, as the widow had, in my opinion, a right to refuse to be bound by the decree in the suit to which she ought to have been, but was not, made a party. The suit was filed against Annaiyachar, but he is not stated to be the representative of the deceased Gopalachar.

6. The vernacular record connected with the case is herewith submitted together with the appeal petition received with the memo under reply.

(3) Records of the case.

(4) Records in O. S. No. 38 of 1884, and Execution No. 182 of 1884, on the file of the Munsiff of Honnali.

No. 7587-94—Pet F. 66-98, DATED BANGALORE, 24TH APRIL 1899.

ORDER THEREON.—Gopalachar, the registered occupant of S. No. 53, in question, died about the year 1884, and, on 12th January 1898, the Deputy Commissioner passed an order recognising the respondent, who is the widow of Gopalachar as the registered occupant in succession.

2. On 13th January 1898, the appellant applied for transfer of registry in his name on the ground that the land had been sold to him in a Civil Court sale in execution of the decree passed in Civil Suit No. 38 of 1884, for a debt alleged to be due by respondent's deceased husband. But as the undivided brother, and not the widow of the deceased Gopalachar, was a party to the civil proceedings, and the respondent had apparently no notice of the suit or of the court sale, the Deputy Commissioner declined to transfer the registry in appellant's name.

Petition, dated 24th April 1899.

3. The Government observe that the appellant's application for amendment of registry cannot be viewed as made under Section 67 of the Land Revenue Code, as the registered occupant whose right, title and interest were put up to auction and bought by the appellant, was dead long prior to the date of sale. Viewing the application, however, as one made under Section 69 of the Code, it was incumbent on the appellant to "satisfy the Deputy Commissioner that he is entitled to be the registered occupant in preference to the person whose name the Deputy Commissioner has ordered to be registered under Section 68." Deputy Commissioner was apparently not so satisfied after a perusal of the Civil Court records, and, in the circumstances of the case, Government are disposed to agree with him. The appeal is therefore dismissed.

4. The Deputy Commissioner ought to have referred in his order to the provision of law under which he passed it. His attention will be drawn to para 3 of Government Order No. 551-8—Pet. F. 6-98, dated 20th July 1898.

C. SREENIVASIENGAR,
Secy. to Govt., Gen. & Rev. Depts.

To—The Deputy Commissioner, Chitaldrug District, with records.
The Deputy Commissioners of other Districts.

Exd.—H.A.R.

LR 18-97-6

ಪ್ರಕರಣ I ಪತ್ರ ಸಂ 2 24-4-97

ಅಧಿಕಾರಿಯವರಿಗೆ ಕಳುಹಿಸಿಕೊಡಲಾಗಿದೆ

ಅಭಿಪ್ರಾಯ ಮತ್ತು ಶಿಫಾರಸ್ಸಿಗಾಗಿ

ಈ ದಿಸ್ತಾರಿನ ಪ್ರಕರಣವನ್ನು ಸಂಬಂಧಿಸಿದ

ಕಂದಾಯ ಶಾಖೆಯವರಿಗೆ ಕಳುಹಿಸಿಕೊಡಲಾಗಿದೆ.

ಪ್ರಕರಣದಲ್ಲಿ ಸಂಬಂಧಪಟ್ಟ ಕಂದಾಯ ಶಾಖೆಯವರು

ಪರಿಶೀಲಿಸಿ ಅಭಿಪ್ರಾಯ ಶಿಫಾರಸ್ಸು ಮಾಡಿ

ಕಳುಹಿಸಿಕೊಟ್ಟಿರುವ ಪತ್ರ ಸಂಖ್ಯೆ ಮತ್ತು ದಿನಾಂಕ

ಪ್ರಕರಣದಲ್ಲಿ ಸಂಬಂಧಪಟ್ಟ ಕಂದಾಯ ಶಾಖೆಯವರು

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ಉಲ್ಲೇಖ 27-7-98 ರಲ್ಲಿ ಅಭಿಪ್ರಾಯ ಶಿಫಾರಸ್ಸು

ಕೋರಿ ಪತ್ರ ಬರೆಯಲಾಗಿತ್ತು -

ಈ ಬಗ್ಗೆ ಪ್ರಕರಣದಲ್ಲಿ ಸಂಬಂಧಪಟ್ಟ ಕಂದಾಯ

ಶಾಖೆಯವರು ಅಭಿಪ್ರಾಯ ಶಿಫಾರಸ್ಸು ಮಾಡಿ

ಕಳುಹಿಸಿಕೊಟ್ಟಿರುವ ಪತ್ರ ಸಂಖ್ಯೆ ಮತ್ತು ದಿನಾಂಕ

ಪ್ರಕರಣದಲ್ಲಿ ಸಂಬಂಧಪಟ್ಟ ಕಂದಾಯ ಶಾಖೆಯವರು

ಪರಿಶೀಲಿಸಿ ಅಭಿಪ್ರಾಯ ಶಿಫಾರಸ್ಸು ಮಾಡಿ

ಕಳುಹಿಸಿಕೊಟ್ಟಿರುವ ಪತ್ರ ಸಂಖ್ಯೆ ಮತ್ತು ದಿನಾಂಕ

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ಪ್ರಕರಣದಲ್ಲಿ ಸಂಬಂಧಪಟ್ಟ ಕಂದಾಯ ಶಾಖೆಯವರು

ಪರಿಶೀಲಿಸಿ ಅಭಿಪ್ರಾಯ ಶಿಫಾರಸ್ಸು ಮಾಡಿ

ಕಳುಹಿಸಿಕೊಟ್ಟಿರುವ ಪತ್ರ ಸಂಖ್ಯೆ ಮತ್ತು ದಿನಾಂಕ

Refle
7.7.00

249 for HR 60-7
4766-98

(13)

1900

No.

Name of Petitioner

Village

Taluk

District

Date of Arzi

Date of Receipt

Date of Disposal

No. of Enclosure

ABSTRACT

Encl. relating to Allen Suspension case
Vol Petition no 308 of 3-4-20 and Counter thereto
to come into take back the Petitioner's petition
Prayer that on perusal of the Enclosures herein
the Case petn. of the Govt may be rejected
& the transferred thereto.

Enclosures

(1) Letter of 7-4-20 from the Collector Guntur
forwarding thereto the petition of Govt. relating
to Allen Suspension case.
(2) Civil Court Sale certificate
(3) Attachment of the land being Exhibit in the
Inspection -
(4) Mesne profit Enquiry Petn. dt 16-1-20
(5) Copy of Petn. dt. 7-4-20
(6) Govt. Pleader's petn. for Impleadment of Vendee

In para 3 of the G.O. of 24/4/19
(Sno 5, pen file). The Govt.
assign reasons for holding
that no application could
possibly be made by the
petitioner under Sec 47
C.P.C. Code. In their
view, the present appeal against
the D.Court's order & practically
an application for review
of the G.O. referred cannot
prevail by 6/8/20

[illegible]

(14)

LCR No. 27-S